

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SUSAN M. BASS,)
)
 Plaintiff,)
)
 v.) 1:06cv591
)
 MICHAEL J. ASTRUE,¹)
 Commissioner of Social Security,)
)
 Defendant.)

ORDER

On March 5, 2008, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Plaintiff filed objections to the Recommendation (Doc. 16) within the time limit prescribed by Section 636, and Defendant filed a response (Doc. 17).

The Court has made a de novo determination of those portions of the Recommendation to which objections have been made and finds that they do not change the substance of the United States Magistrate Judge's rulings, which are affirmed and adopted.

IT IS THEREFORE ORDERED that Plaintiff's motion for summary judgment (Doc. 10) be **DENIED**, that the Commissioner's motion for

¹ Michael J. Astrue became the Commissioner of Social Security on February 12, 2007. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Michael J. Astrue should, therefore, be substituted for Commissioner Jo Anne B. Barnhart as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

judgment on the pleadings (Doc. 12) be **GRANTED**, that the decision of the Commissioner be **AFFIRMED**, and that this action be DISMISSED, WITH PREJUDICE. A judgment dismissing this action will be entered contemporaneously with this Order.

/s/ Thomas D. Schroeder
United States District Judge

August 8, 2008